

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

ROBERT L. BARR, SR., Individually
and as Administrator of the Estate
of Robert L. Barr, Jr.; CATHERINE
BARR, Individually,
Plaintiffs-Appellants,

No. 96-1594

v.

ANNE ARUNDEL MEDICAL CENTER;
ROSEMARY LETHBRIDGE, M.D.,
Defendants-Appellees.

ROBERT L. BARR, SR., Individually
and as Administrator of the Estate
of Robert L. Barr, Jr.; CATHERINE
BARR, Individually,
Plaintiffs-Appellees,

v.

No. 96-1639

ANNE ARUNDEL MEDICAL CENTER,
Defendant-Appellant,

and

ROSEMARY LETHBRIDGE, M.D.,
Defendant.

Appeals from the United States District Court
for the District of Maryland, at Baltimore.
Joseph H. Young, Senior District Judge.
(CA-95-1003-Y)

Argued: April 7, 1997

Decided: April 29, 1997

Before RUSSELL, WILKINS, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

ARGUED: Frank McClellan, EATON, MCCLELLAN & ALLEN, Philadelphia, Pennsylvania, for Appellants. James Thomas Wharton, WHARTON, LEVIN, EHRMANTRAUT, KLEIN & NASH, P.A., Annapolis, Maryland; Kurt D. Karsten, COWDREY, THOMPSON & KARSTEN, P.A., Annapolis, Maryland, for Appellees. **ON BRIEF:** Christian A. Lodowski, WHARTON, LEVIN, EHRMANTRAUT, KLEIN & NASH, P.A., Annapolis, Maryland, for Appellee Lethbridge.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Robert L. Barr, Sr., on behalf of himself and his wife, and as administrator of the estate of his son, Robert L. Barr, Jr., appeals the judgment of the district court in a wrongful death suit. Robert L. Barr, Jr. was a midshipman at the United States Naval Academy, where, on September 12, 1989, he suffered a near-drowning accident in a swimming pool. Witnesses testified that Barr Jr. was found near the bottom of the pool with reddish and white mucous fluid coming out of his mouth. Rescuers saved Barr and resuscitated him with CPR. One witness testified that Barr Jr. vomited at least a quart of fluid while he was being resuscitated.

Emergency medical personnel transported Barr Jr. to Anne Arundel Medical Center ("AAMC") by ambulance, where he was attended by the emergency room physician, Rosemary Lethbridge, M.D. After receiving treatment, Barr Jr. was transferred to the Intensive Care Unit, where he developed a lung infection. After another transfer, to the University of Maryland Shock Trauma Center, he died on September 25, 1991.

Barr Sr. filed suit against AAMC and Dr. Lethbridge. He asserted a wrongful death action against AAMC, claiming that AAMC's agents and employees were negligent in the medical care they provided Barr Jr. Barr Sr. also claimed that Dr. Lethbridge's treatment of Barr Jr. fell below the applicable standard of care, and contributed to his death. An eight-day jury trial followed. The jury returned verdicts in favor of both defendants.

The district court denied the plaintiffs' motion for a new trial. On appeal, Barr Sr. raises five issues: (1) the verdict was against the great weight of the evidence; (2) the court admitted an inaccurate summary of care prepared by the defendants; (3) the district court improperly awarded each defendant two peremptory challenges; (4) the court abused its discretion in refusing to inquire about the racial attitudes of the venire; and (5) the defendants used all of their peremptory challenges to strike four African-Americans.

We have carefully reviewed the record, considered the submissions of the parties, and heard oral argument. We find that the record supports the majority of the information in the summary chart. Any other inaccuracies are immaterial. Nonetheless, the summary chart should have been authenticated by its preparer before the district court admitted it. This error does not require reversal, however, given the extensive evidence in the record supporting the jury's verdict.

None of the other issues give us cause to reverse the district court. Accordingly, we affirm the judgment of the district court.

AFFIRMED